

BEFORE THE INDEPENDENT HEARINGS PANEL

THE PROPOSED WAIKATO DISTRICT PLAN (STAGE 1)

UNDER  
IN THE MATTER OF

the Resource Management Act 1991 ("RMA")  
Hearing submissions and further submissions on the  
Proposed Waikato District Plan (Stage 1) Hearing 3.  
Topic 3: Strategic Objectives

BY

Shand Properties Limited  
Submitter (778 and FS1191)

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Statement of Evidence by Samuel Elliott Foster on behalf of

Shand Properties Limited

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Dated: 4 November 2019

## 1. INTRODUCTION

### Qualification and experience

- 1.1 My name is Samuel Elliott Foster. I am a Senior Planner at Bloxam Burnett & Olliver (BBO), a firm of consulting engineers, planners and surveyors based in Hamilton. I have been employed by BBO since 2017.
- 1.2 I hold the qualifications of a Bachelor of Planning (hons) and a Master of Urban Design (hons) from the University of Auckland and have been practicing as a planner for over 6 years. I am a full member of the New Zealand Planning Institute and a member of the Resource Management Law Association.
- 1.3 In relation to this hearing I am presenting expert planning evidence on behalf of the submitters, being Shand Properties Limited regarding the Strategic Objectives of the Proposed Waikato District Plan (PDP).
- 1.4 The submissions that are relevant to this hearing relates to one submission point made to the notified version of the proposed district plan. This submission directly relates to 4.1.13 Policy – Huntly.
- 1.5 I am familiar with the statutory framework that is relevant to the development of the Proposed Waikato District Plan and have experience in district plan reviews, plan changes and private plan changes, having authored multiple s42A reports relating to Hamilton City Council's latest district plan review, private plan changes in the Waikato District and a Council led plan change in the Waipa District.
- 1.6 I prepared the submission on behalf of Shand Properties Limited to the notified version of the Proposed Waikato District Plan.
- 1.7 I confirm that have read the "Code of Conduct for Expert Witnesses" contained in the Environment Court's Consolidated Practice Note 2014 and have complied with them in preparing evidence for this proceeding. Except where I state that I am relying on evidence of another person, this written evidence is within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed in this evidence.

## Scope of evidence

- 1.8 I am presenting planning evidence solely in relation to the relief sought by submission to the Strategic Objectives of the PDP. My evidence covers:
- a) Changes sought to 4.1.13 Policy – Huntly;
- 1.9 In preparing this evidence I have read the opinions expressed through the reporting officers Section 42A report and further submissions made that relate to the relevant submission points. I will address these in this evidence.

## 2. RELIEF SOUGHT

- 2.1 The notified version of the PDP seeks to direct growth and development in Huntly via 4.1.13 Policy – Huntly by providing for infill and redevelopment of existing sites, the managing the effects of reverse sensitivity and avoiding development on areas where there are any hazard, geotechnical and ecological constraints.
- 2.2 Shand Properties Limited's have submitted in regard to the relationship between development and constraints that may be present on a site. Shand Properties Limited position can be summarised as follows:
- (a) Avoiding development where there are constraints without understanding the magnitude of these constraints is overly onerous.
  - (b) While some constraints are of a magnitude or value that avoiding development is appropriate, other constraints will be able to be safely mitigated or managed without causing undue risk to land users.
  - (c) Geotechnical and hazardous constraints are inherently different to ecological constraints and should be addressed as separate issues.
- 2.3 The notified wording of the policy addressed geotechnical hazards and ecological values in the same issue and sought that these both be avoided. Shand Properties Limited sought changes to the policy to:
- (a) Ensure development of areas where there are hazard or geotechnical constraints is managed to ensure that risks do not exceed appropriate levels.
  - (b) Ensure development is avoided in areas where hazard and/or geotechnical constraints are unable to be remedied or sufficiently mitigated to achieve an acceptable level of risk.
  - (c) Ensure ecological values are maintained or enhanced rather than causing the avoidance of development where there are any ecological values.

(d) Acknowledge that the development of areas of significant ecological value should be avoided.

2.4 The reporting officer in the s42A report has recommended changes aligned with the relief sought. Shand Properties Limited supports the changes recommended by the s42A officer. No further changes are sought.

2.5 Mercury Energy Limited have opposed the submission point, without providing specific reasons for the opposition of the submission other than they are generically interested in the management of hazards and residual risk, in particular those relating to flooding and residual risk. It is considered that the changes sought and recommended to 4.1.13 Policy - Huntly do not remove the ability for an assessment of the risk associated with natural hazards such as flooding to be considered. The proposed framework still seeks to avoid development in those areas where the risk associated with development is unable to be remediated or sufficiently mitigated to achieve a level of risk that is appropriate for the land use proposed.

2.6 Shand Properties Limited respectfully requests that the amendments recommended in the s42A report to 4.1.13 Policy – Huntly included below are accepted.

#### 4.1.13 Policy – Huntly

(a) Huntly is developed to ensure;

- (i) Infill and redevelopment of existing sites occurs;
- (ii) Reverse sensitivity effects ~~from~~ on the strategic transport infrastructure networks and regionally significant industry are avoided or minimised;
- (iii) Development of areas where there are hazard and geotechnical constraints is managed to ensure the associated risks are reduced to levels acceptable to the proposed use;
- (iv) Development is avoided on areas with hazard, and geotechnical ~~and ecological~~ constraints that are unable to be remedied or sufficiently mitigated to achieve a level of risk acceptable to the proposed use;
- (v) Ecological values are maintained or enhanced; and
- (vi) Development of areas with significant natural and ecological values is avoided.



Samuel Foster

(on behalf of Shand Properties Limited)

4 November 2019

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